

OPINION
63-127(Aug 22)

August 22, 1963 (OPINION)

ELECTIONS

RE: Special Election - Holiday in Particular District

This is in response to your letter in which you ask for an opinion whether or not October 22nd, which is the day on which a special election will be held in the First Congressional District to fill the vacancy in the United States House of Representatives, is a holiday in view of Section 1-03-01 of the North Dakota Century Code.

You further ask whether or not certain business establishments will be required to close on October 22nd. If so, would it apply to the entire State or only to the First congressional District.

As to the first question, Section 1-03-01 of the North Dakota Century Code provides substantially, as is material here, as follows:

Holidays are as follows:

* * *13. Every day on which an election is held throughout
 and* * *." (Emphasis supplied.)

The special election on October 22, 1963, permits only the electorate from the First Congressional District (Eastern), to vote. It is not an election throughout the entire state. It is, therefore, our opinion that said special election does not fall within the statutory provisions and as such is not a legal holiday.

As to the second question, Section 5-01-13 of the North Dakota Century Code prohibits the sale, giving away or disposing of any alcoholic beverages * * *on the day of any general, special or local election* * *. The election in question is not a state-wide election, neither is it a general election. However, while the election is not a state-wide or general election, it is nevertheless a local special election; that is, local to the First Congressional District.

It is, therefore, our opinion that Section 5-01-13 of the North Dakota Century Code is applicable to the First Congressional District on the special election to be held on October 22, 1963. This section would not apply to the Second or Western District.

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